

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE ENROLLED ACT No. 1452

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-18-2-223.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 223.7. "Medically contraindicated"**, for purposes of IC 16-28-14, has the meaning set forth in IC 16-28-14-1.

SECTION 2. IC 16-28-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 14. Patient Immunizations

Sec. 1. As used in this chapter, "medically contraindicated" means that a vaccine would be detrimental to an individual's health because of a medical condition of the individual.

Sec. 2. (a) A health facility shall attempt to obtain informed consent from:

- (1) a patient; or
- (2) a patient's legal guardian;

for a patient to participate in immunization programs conducted within the health facility while the patient is residing at the health facility.

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(b) A health facility shall attempt to obtain the consent required under subsection (a):

- (1) upon the patient's admission, if the patient's admission occurs after June 30, 1999; or
- (2) before an immunization is administered, if the patient's admission occurred before July 1, 1999.

Sec. 3. (a) Subject to obtaining a patient's informed consent under section 2(b) of this chapter and subject to obtaining an order from the individual's physician to administer the immunizations, a health facility shall immunize all patients of the health facility against the following:

- (1) Influenza virus.
- (2) Pneumococcal disease.

(b) A health facility shall conduct the immunizations required under subsection (a) in accordance with the recommendations established by the Advisory Committee on Immunization Process of the United States Centers for Disease Control and Prevention that are in effect at the time the health facility conducts the immunizations.

Sec. 4. Except as required by section 5 of this chapter, a health facility shall administer or cause to be administered the immunizations required under this chapter before December 1 of each year if the vaccine is available.

Sec. 5. (a) This section applies to an individual who becomes a patient of a health facility on or after December 1 and before April 1.

(b) A health facility shall attempt to determine the status of an individual's immunization against the influenza virus and pneumococcal disease upon the individual's admission to the health facility.

(c) Subject to obtaining a patient's informed consent under section 2(b) of this chapter if the health facility determines that an individual's immunization status is deficient and subject to obtaining an order from the individual's physician to administer the immunizations, the health facility shall, as soon as possible after the individual's admission, administer or cause to be administered the immunizations required under this chapter if the vaccine is available.

Sec. 6. Notwithstanding any other provision of this chapter, a health facility shall not require an individual to receive an immunization under this chapter if:

- (1) the health facility:



- (A) has written documentation from the individual's physician or other health care provider indicating the date and place that the individual received an immunization required under this chapter; and
- (B) determines that no additional immunization is required;
- (2) the immunization is medically contraindicated as described in the product labeling approved by the United States Food and Drug Administration;
- (3) receiving the immunization is against the individual's religious beliefs; or
- (4) the individual refuses to permit the immunization as provided by state or federal law.

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